

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**WPS No. 8892 of 2019**

- Yogesh Kumar S/o (Late) Ganga Singh Aged About 36 Years R/o Newtikara Para, Godri Para, Chirmiri, Police-Station And Tehsil Chirmiri, District Korla, Chhattisgarh, Presently Posted As Assistant Grade - III (Clerk) Government Higher Secondary School, Chittajhor Pondi, District Korla, Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through- The Secretary, Department Of School Education, Mantralaya, Mahanadi Bhawan, Atal Nagar (Naya-Raipur), District Raipur, Chhattisgarh
2. Director Lok Shikshan Sanchalnalaya, Atal Nagar (Naya-Raipur), District Raipur, Chhattisgarh
3. District Education Officer, Korla, Office At Odgi Naka, Baikunthpur, Tehsil Baikunthpur, District Korla, Chhattisgarh
4. Prashant Kumar Soni, Aged About 27 Years, Posted (Under Transfer) As Assistant Grade- III, At Government Higher Secondary School, Bhakhar, District Korla, Chhattisgarh

---- Respondents

For Petitioner : Shri Mahendra Dubey, Advocate

For Respondents/ State : Ms. Beenu Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri**Order On Board****24/10/2019**

1. Heard.
2. The present petition is against the transfer of the petitioner from Government Higher Secondary School, Chittajhor Pondi, District Korla to Government Higher Secondary School, Bhakhar, District Korla C.G.
3. It is contended that transfer order earlier is said to be mutual transfer, the said order was subject of challenge which is cancelled by order dated

06.09.2019 directing the petitioner to make a representation in WPS No. 7067 of 2019. Pursuant to the representation made, the subsequent order has been issued which shows that the mutual word has been deleted and the transferred place of the petitioner has been kept same. The petitioner submits that the transfer is malafide and has been done on the wrong grounds. The petitioner's transfer was wrong and subsequently it was amended in order to accommodate Respondent No. 4. The transfer is incident of service and unless and until it shows that the transfer is malafide, it cannot be reluctant interference. The earlier transfer order though shows that it was mutual but subsequently the same was amended and the transferred place of petitioner was kept as it is. In the earlier round of litigation, the petitioner was also not protected by any interim order or any other order.

4. After perusal of the order, I do not find any reason to interfere with the order which warrants any interference on the ground of malafide or want of authority. Accordingly, the petition stands dismissed.

Sd/-

Goutam Bhaduri
Judge